

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-8 were pending in the present application and have been rejected. No claims have been amended or added. Claims 1-8 will therefore remain pending in the present application upon entry of this Reply and Amendment.

Claim Rejections – 35 U.S.C. § 102

In Section 3 of the Office Action, the Examiner rejected Claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,102,109 to Schnetz (“Schnetz”).

Schnetz is directed to a “hydraulic shock absorber” and discloses a “load or shock rod 16” that “extends ... coaxially to the piston 6 with to which it is fixedly joined.” See Schnetz at column 3, lines 61-64 and Figure 1.

Claim 1 is in independent form and recites a “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” including an “open flow area” having “varying capacity that is achieved with the use of mutually travelling metering components and is changed through the effect of hydraulic pressure differences on the metering components” (emphasis added).

Claim 2 is in independent form and recites a “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” including “metering components” such that “hydraulic pressure differences on the metering components cause the capacity of the small open flow area to decrease” when there is an increase of load at the shock absorber” (emphasis added).

Claim 3 is in independent form and recites a “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” including “metering components” such that “at least one of the metering components is moved by applying hydraulic pressure on it” (emphasis added).

Schnetz does not identically disclose a “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” as recited by independent Claims 1, 2, or 3. For example,

Schnetz does not identically disclose an “open flow area” having “varying capacity that is ... changed through the effect of hydraulic pressure differences on the metering components” (emphasis added) as recited in Claim 1, or that “hydraulic pressure differences on the metering components cause the capacity of the small open flow area to decrease when there is an increase of load at the shock absorber” (emphasis added) as recited in Claim 2, or that “at least one of the metering components is moved by applying hydraulic pressure on it” (emphasis added) as recited in Claim 3.

Instead, Schentz discloses a “piston 6” having an “outlet opening 46” and a “damping element 49” that is fixed in relation to the housing and placed in the bottom part 4.” See Schnetz at column 6, lines 5-11 and Figure 1. Schentz does not disclose that “hydraulic pressure differences on the metering components” cause the capacity of the open flow area to change (as recited in Claims 1 and 2) or “at least one of the metering components is moved by applying hydraulic pressure on it” (as recited in Claim 3).

Instead, in Schentz, the “piston 6” moves “towards the bottom part 4” and the “damping element 49” when the “moving mass 34 strikes the shock take-up member 18” which is connected to the “shock rod 16.” See Schnetz at column 4, lines 63-66 and Figure 1. The “shock rod 16” is “fixedly joined” to the “piston 6.” See Schnetz at column 3, lines 61-64 and Figure 1. Therefore, the “piston 6” of Schnetz is moved by direct physical travel of the “shock rod 16,” and not by “hydraulic pressure differences” or “hydraulic pressure” as required in Claims 1-3.

Therefore, independent Claims 1-3 are patentable over Schnetz. Dependent Claims 4-8, which depend from independent Claim 3, are also patentable. See 35 U.S.C. § 112 ¶ 4. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-6 under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103(a)

Claims 7 and 8

In Section 5 of the Office Action, the Examiner rejected Claims 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Schnetz.

Claims 7-8 depend from Claim 3, which is in independent form and recites a “method for regulating the hydraulic resistance of a shock absorber during the operation thereof,” including “metering components” such that “at least one of the metering components is moved by applying hydraulic pressure on it” (emphasis added).

The “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” recited in independent Claim 3 (and thus Claims 7-8) would not have been obvious in view of Schentz under 35 U.S.C. § 103(a). Schentz, does not disclose, teach, or suggest that “at least one of the metering components is moved by applying hydraulic pressure on it” (emphasis added).

Instead, as described above, in Schentz the “piston 6” moves “towards the bottom part 4” and the “damping element 49” when the “moving mass 34 strikes the shock take-up member 18” which is connected to the “shock rod 16.” See Schnet at column 4, lines 63-66 and Figure 1. The “shock rod 16” is “fixedly joined” to the “piston 6.” See Schnet at column 3, lines 61-64 and Figure 1. Therefore, the “piston 6” of Schnet is moved by direct physical travel of the “shock rod 16,” and not by “hydraulic pressure” as required in Claim 3 (and thus Claims 7-8).

The “method for regulating the hydraulic resistance of a shock absorber during the operation thereof” recited in Claims 7-8, each considered as a whole, would not have been obvious in view of Schnet. Therefore, Claims 7-8 are patentable over Schnet under 35 U.S.C. § 103(a). Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 7-8 under 35 U.S.C. § 103(a).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicant requests consideration and allowance of all pending claims.

It should also be noted that although the Applicant has only addressed certain claims or claimed features herein, other claims, features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicant expressly reserves the right to rebut any statement presented by the Examiner and to set forth additional and/or alternative reasons for patentability during prosecution of the present Application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

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